



Security Council

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Note by the President of the Security Council

1. By paragraph 3 (b) of its resolution 1636 (2005) of 31 October 2005, the Security Council decided to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council to undertake the tasks described in the annex to that resolution.
2. Following consultations among the members of the Security Council on 23 November 2005, it was agreed that the Bureau of the Committee would be as follows:
Chairman:
Kenzo Oshima (Japan)
Vice-Chairmen:
Denmark and Romania
3. The Bureau of the Committee will be composed as above for the term ending on 31 December 2005.





Security Council

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**Letter dated 18 November 2005 from the Permanent
Representative of Georgia to the United Nations
addressed to the President of the Security Council**

I would like to address you, in your capacity as the President of the Security Council, and request your kind assistance in circulating as a document of the Council the statement of the Ministry of Foreign Affairs of Georgia on the recent development of events in Abkhazia, Georgia, made on 15 November 2005 (see annex).

(Signed) Revaz Adamia
Ambassador
Permanent Representative



Annex to the letter dated 18 November 2005 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council

Statement of the Ministry of Foreign Affairs of Georgia on the recent development of events in Abkhazia, Georgia

In the recent period, the Georgian authorities have sought repeatedly to focus the attention of the world community on the escalated situation in Abkhazia, Georgia. The gravest violations are reported in the field of human rights and freedoms.

The separatist government of Abkhazia and its so-called law enforcement authorities acting with apparent immunity are waging a campaign of terror against the ethnically Georgian population, with the goal of expelling it from the region, completing the process of ethnic cleansing and eventually having its legitimacy recognized.

Flagrant acts of arbitrariness in the conflict zone take place in the very presence of the peacekeeping forces and in many cases with their latent consent. On 13 November an incident in the Gali region ended again in the tragic loss of life. In the morning, in Chuburkhinji, a gang of unidentified people, presumably Gali police officers, attacked Kh. Arkania and G. Sichinava, residents of the region. As a result, Kh. Arkania was shot dead on the spot. G. Sichinava received wounds and was taken to a local hospital.

Along with a series of armed assaults on the Georgian population, there are attempts to bring the ongoing ethnic cleansing within the so-called legal framework, to which attest the scandalous statements of S. Bagapsh, leader of the Abkhazian separatist regime. Specifically, in connection with the planned handout of Abkhazian passports towards the end of November, he declared that the Abkhazian population will be allowed to hold the citizenship of only one state. The simultaneous bearing of Georgian and Abkhazian passports will be banned. Anyone opposed to being admitted to the so-called Abkhazia will be forced to leave its territory. The only exception is intended for Russian citizens.

The Ministry of Foreign Affairs of Georgia expresses its extreme concern over the existing situation in the region and urges the international community to appraise duly the actions of the separatist regime and adopt appropriate measures in order to prevent an armed confrontation from being provoked in the region.



Security Council

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**Letter dated 23 November 2005 from the Chargé d'affaires a.i.
of the Permanent Mission of Burundi to the United Nations
addressed to the President of the Security Council**

On instructions from my Government, I have the honour to attach herewith the report of the Government of Burundi on the evolution of the mandate of the United Nations Operation in Burundi.

I should be grateful if this letter and its annex could be circulated to the members of the Security Council as official documents of the Council.

(Signed) Léonidas **Nkingiye**
First Counsellor
Chargé d'affaires a.i.



**Annex to the letter dated 23 November 2005 from the Chargé
d'affaires a.i. of the Permanent Mission of Burundi to the
United Nations addressed to the President of the
Security Council**

**Report of the Government of Burundi on the evolution of
the mandate of the United Nations Operation in Burundi**

I. Introduction

By resolution 1545 (2004) of 21 May 2004, the United Nations Security Council decided to authorize the deployment of a peacekeeping operation entitled United Nations Operation in Burundi (ONUB), to support and help to implement the efforts undertaken by Burundians to restore lasting peace and bring about national reconciliation.

That peacekeeping mission was subsequently deployed in Burundi and became operational on 1 June 2004 on the basis of its mandate, explicitly described in paragraphs 5 to 7 of the resolution.

From that date through the holding of elections in Burundi, ONUB provided considerable support to the electoral process. With the support of the international community, Burundi has just succeeded in holding free and democratic elections at all levels, from the lowest to the highest. It is currently led by a democratically elected president and a Government formed through elections, and which therefore enjoy national and international legitimacy. Burundi has also provided itself with a Parliament and basic institutions which have been formed through elections as far down as the colline level.

With regard to security, the context has also changed. Security has been restored over nearly the entire Burundian territory, with the exception of a few pockets in the Bujumbura Rural province. The Government greatly appreciates the aid provided in this area as well as the collaborative relationship between the two parties. Taking into account the positive developments in the situation within the country, it would like to see ONUB complete its remaining activities as soon as possible.

Following the United Nations assessment mission on the evolution of the ONUB mandate, which visited Burundi from 16 to 23 October 2005, talks were held between the Government of Burundi and ONUB to take stock of achievements and see what remained to be done.

In the context of the evolution of the ONUB mandate, a joint technical working group on cooperation, with support from a joint technical committee, was set up in order to submit proposals regarding recommendations to be implemented jointly by the Government and ONUB.

Points raised during the talks concerned the modalities for the gradual withdrawal of the ONUB forces and other areas of cooperation in which ONUB might be active in the context of its evolving mandate. The conclusions of the talks between the two parties were as follows:

II. Modalities for the gradual withdrawal of the ONUB forces

Based on the talks, the Government of Burundi agrees that part of the ONUB forces, consisting of 2,080 troops, should be withdrawn as agreed from December 2005 through the end of April 2006. The same applies to the number of military observers, which should be reduced from 190 to 120. As regards the rest of the forces, a withdrawal calendar will be established by mutual agreement after an assessment, to be made in March 2006.

Concerning the modalities for implementing this operation, the Government of Burundi and ONUB will strengthen their cooperation mechanisms so that withdrawal may take place in an orderly and reassuring manner, with strict respect for the protection needs of civilians.

Concerning the reduction of the number of United Nations police, the Government, by mutual agreement with ONUB, agrees to the gradual reduction, by 30 March 2006, of United Nations police personnel from 89 to 15 officers, who will be based in Bujumbura and will be responsible for the training of the police.

III. Agreed areas of cooperation

Based on the talks between the parties, and within the limits of what was agreed, the Government wishes the remainder of ONUB's mandate to cover the following areas:

- Monitoring of Burundi's borders with the Democratic Republic of the Congo, including Lake Tanganyika and the cross-border flow of arms, in close cooperation with the Burundian security forces and ONUB.
- Support for the completion of the disarmament, demobilization and reintegration process and the security sector reform now under way, in a spirit of cooperation with all concerned partners.
- Support for the promotion of human rights through the strengthening of existing capacities, especially those of civil society and of the Office of the United Nations High Commissioner for Human Rights in Burundi. In that framework, the Government welcomes the proposal, agreed with ONUB, gradually to replace international experts by national experts as part of the strengthening of capacities.
- Support for transitional justice as regards the establishment of the Truth and Reconciliation Commission and the Special Chamber.
- Protection of ONUB personnel and equipment, with support from the Government.
- Demining, with emphasis on the strengthening of capacities.
- Support (logistical and engineering) for the humanitarian operations conducted by WFP and UNHCR.

IV. Conclusion

The Government of Burundi expresses its gratitude to the United Nations for having been at the side of Burundians even during the most difficult periods of the crisis in Burundi, especially through the agencies of the United Nations system.

It commends ONUB for the significant role it has played in the country, particularly during the electoral process. It wishes to continue its cooperation with ONUB by working with the teams that are not to be part of the first withdrawal, in the areas and within the limits of what was agreed.

In March 2006 the Government and ONUB will assess the situation on the ground and the progress made in implementing what was agreed between the two parties.

The Government remains prepared to cooperate with ONUB in communicating with and informing the Burundian people and the international community whenever necessary.

Bujumbura, 18 November 2005



Security Council

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**Letter dated 25 November 2005 from the Chargé d'affaires a.i.
of the Permanent Mission of Eritrea to the United Nations
addressed to the President of the Security Council**

Upon instructions from my Government, I have the honour to transmit the attached press release issued by the Ministry of Foreign Affairs of the State of Eritrea on 24 November 2005 in response to the recent Security Council resolution 1640 (2005) on the Eritrea-Ethiopia border conflict (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Tesfa Alem **Seyoum**
Chargé d'affaires a.i.



**Annex to the letter dated 25 November 2005 from the
Chargé d'affaires a.i. of the Permanent Mission of Eritrea
to the United Nations addressed to the President of the
Security Council**

Press release

Security Council undermines its moral authority

The Security Council adopted another deplorable resolution (resolution 1640 (2005)) yesterday on the border conflict between Eritrea and Ethiopia. Although the Algiers Peace Agreement, legally guaranteed by the United Nations Security Council, and the fundamental principles of the Charter of the United Nations have been grossly and repeatedly violated by Ethiopia, the Security Council is threatening to invoke, for the first time, Article 41 of the Charter of the United Nations to impose economic and diplomatic sanctions, essentially against Eritrea.

This lopsided resolution underscores one glaring fact: it is not international law and the Charter of the United Nations that govern the conduct of the Security Council but sheer power politics and the narrow interests of major powers.

As it is well known:

- In July 2002, Ethiopia violated the Algiers Comprehensive Peace Agreement and the Charter of the United Nations to establish, under the watch of the United Nations Mission in Ethiopia and Eritrea (UNMEE), unlawful settlements in the sovereign Eritrean territory of Dembe Mengul. This gross breach of the Peace Agreement was fully ascertained by an independent fact-finding mission. The report of the fact-finding mission was subsequently submitted to the Security Council, which passed resolution 1430 (2002) requesting Ethiopia to dismantle the settlements within 30 days. In what was to become a predictable pattern, Ethiopia refused to comply with the terms of resolution 1430 (2002) while the Security Council failed to take remedial action.
- In September 2003, the Prime Minister of Ethiopia formally and arrogantly informed the Security Council that his regime would not abide by the "final and binding decisions of the Security Council". This was a flagrant breach of article 4.15 of the Algiers Peace Agreement, which states: "The parties agree that the delimitation and demarcation determinations of the Commission shall be final and binding. Each Party shall respect the border so determined, as well as the territorial integrity and sovereignty of the other party". The Security Council failed to take any action against this gross violation of the most fundamental kernel of the Algiers Peace Agreement. The Secretary-General went further, with the apparent acquiescence of the Security Council, to placate Ethiopia by appointing a Special Envoy to explore the options of "an alternative mechanism" as Ethiopia had requested.
- Emboldened by the Security Council inaction, Ethiopia intensified its unlawful conduct to obstruct and frustrate the operations of the Boundary Commission. Among other things, Ethiopia withdrew its liaison officers, refused to pay its dues and boycotted a meeting in London convened by the Boundary Commission in February 2005 to finalize the Demarcation Directions. As will

be recalled, the Boundary Commission was established and partially funded by the United Nations in accordance with the Algiers Peace Agreement. Ethiopia's actions further contravened article 4.14 of the Agreement, which states: "The parties agree to cooperate with the Commission, its experts and other staff in all respects during the process of delimitation and demarcation". Again, the Security Council failed to take meaningful remedial action and confined itself to pass toothless resolutions.

- In March 2005, the Boundary Commission was finally compelled to close its offices in Eritrea and Ethiopia. The Commission underlined, in its sixteenth report to the Security Council, that: "The Commission must conclude by recalling that the line of the boundary was legally and finally determined by its Delimitation Decision of 13 April 2002. Though undemarcated, this line is binding upon both Parties ... Conduct inconsistent with this boundary line is unlawful". Again the Security Council failed to take action, and in particular, to invoke Chapter VII to take punitive measures against Ethiopia as provided for by article 4 of the Algiers Agreement and general principles of the Charter of the United Nations.

It is against this backdrop of repeated violations by Ethiopia of the Algiers Peace Agreement and deplorable abdication of responsibility by the Security Council that resolution 1640 (2005) must be seen and gauged. In a perverted logic, the Security Council will not invoke, as it should, Chapter VII if and as Ethiopia continues to violate the Algiers Peace Agreement and the United Nations Charter to forcibly occupy sovereign territories of a Member State of the United Nations. Instead, the Security Council has chosen to focus on derivative and secondary clauses and arrangements to impose sanctions against Eritrea.

This misguided action only undermines the moral and legal authority of the Security Council. It goes beyond abdication of legal and moral responsibility in the border conflict between Eritrea and Ethiopia to create a dangerous precedent to condone the violation of the rule of law and the integrity of arbitration processes. It will not promote the maintenance of regional peace and security, which is the central mandate of the Security Council, but sow the seeds of further tension and conflict in our region.

Ministry of Foreign Affairs
Asmera
24 November 2005



Security Council

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Letter dated 21 November 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the United Nations Mission in Liberia (UNMIL) established by the Security Council in its resolution 1509 (2003) of 19 September 2003 and extended by the Council in its resolution 1626 (2005) of 19 September 2005.

Following the usual consultations, I would like to inform you of my intention to appoint Lieutenant General Chikadibia Isaac Obiakor (Nigeria) as Force Commander of UNMIL as of 1 January 2006. He replaces Lieutenant General Joseph Owonibi of Nigeria, who has served as Force Commander of UNMIL since 1 January 2005. I would like to take this opportunity to express my gratitude to Lieutenant General Owonibi for his exemplary and highly professional service in UNMIL.

I would be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Kofi A. Annan





Security Council

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Letter dated 28 November 2005 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 21 November 2005 (S/2005/738) concerning your intention to appoint Lieutenant General Chikadibia Isaac Obiakor (Nigeria) as Force Commander of the United Nations Mission in Liberia (UNMIL) has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(Signed) Andrey I. Denisov
President of the Security Council

